IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 702 of 2003

1. Tukaram Krishna Kore since
deceased by L.Rs. ..Appellants

V/s

Pandurang Nana More and Anr...Respondents

Shri N.J.Patil for Appellant

ShriShashank Borade for Respondent nos.1 and 2

CORAM:S.R.SATHE,J.

DATED:24th June 2005

P.C.:-

. Heard the learned Advocate for the Appellant.

. Unsuccessful plaintiff has filed the present appeal. The trial Court as well as the first Appellate Court have held that the plaintiff has failed to prove alleged encroachment of 2 Ares. It is true that City Survey Officer was appointed by the plaintiff and he has submitted a report in which encroachment of 2 Ares was shown. However, it is evident that City Survey Officer had not followed the due procedure laid down under the Manual and several

flaws were found. As a result of the same both the Courts below have disbelieved the evidence of PW 2 as well as PW 3.

. There is nothing on record to indicate that finding recorded by courts below is perverse. There is no substantial question of law in the matter.

. The appeal is dismissed in limine.

(S.R.SATHE,J.)